

Bill  
cancel

audio processing circuitry, connected to the receiver, that processes the digital audio signals representing the audio programs, wherein the audio processing circuitry comprises a tuner that tunes to a selected audio program based on the received subscriber audio program selection; and

an output, connected to the processing circuitry, that outputs a selected audio signal that represents the selected audio program based on the subscriber audio program selection.

Please add new claims 144-145 as follows:

144. (New) A hardware upgrade for a set top terminal, the hardware upgrade remotely located from the set top terminal, the hardware upgrade comprising:

an interface to the set top terminal through which a subscriber selection and digital audio signals that represent audio programs are received from the set top terminal, wherein the digital audio signals are received from a television program delivery system, wherein the television program delivery system is capable of simultaneously transmitting video signals that are unrelated to the digital audio signals;

audio processing circuitry, connected to the interface, that processes the digital audio signals, wherein the processing circuitry allows access to the digital audio signals while the unrelated video signals are viewed on a television; and

an output, connected to the processing circuitry, that outputs a selected audio signal based on the subscriber selection.

145. (New) The hardware upgrade of claim 144 further comprising a remote control unit, the remote control unit comprising inputs for entering the subscriber selection.

#### REMARKS

Claims 1-143 are pending. By this amendment, the specification and claims 1, 23, 37, 45, 62, 80, 104, 110, and 118 are amended. New claims 144-145 have been added. Claims 2, 36, 44, 46, 61, 63, 81, 117, and 119 have been cancelled. No new matter is introduced. The amendments to the specification find support in Figure 12b. The amendments to the claims find support in the original claims and the specification at least at page 5, lines 12-15, at page 50, line 22 – page 51, line 21 and Figure 12b. The new claims find support in the specification at least at page 51, lines 14-21 and page 74, lines 6-16. Reconsideration and allowance of the claims in view of the above-amendments and the remarks that follow are respectfully requested.

Applicants thank Examiner Koenig and Examiner Faile for the courtesies extended to the Applicants' representatives, Sung Kim and John Harrop, during an October 9, 2002 personal interview. The substance of the interview is incorporated in the remarks that follow.

**I. OBJECTION TO SPECIFICATION**

On page 2 the Office Action objects to the specification regarding a typographical error on page 73, line 14. The specification has been amended to comply with the objection and to further clarify the specification. Withdrawal of the objection to the specification is respectfully requested.

**II. REJECTIONS UNDER 35 U.S.C. § 103**

**A. Independent Claims 1, 23, 37, 45, 62, 80, 104, 110 and 118**

On page 2 the Office Action rejects claims 1-4, 8-11, 13-14, 16-19, 22-24, 27-28, 31-33, 37-43, 45-47, 51-56, 60, 62-64, 68-71, 73-74, 78, 80-82, 86-92, 96, 98-102, 104-108, 110-114, 116, 118-120, 124-130, 134, 137-138, and 141-142 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,192,999 to Graczyk et al. (hereafter Graczyk) in view of U.S. Patent 4,513,315 to Dekker et al. (hereafter Dekker). This rejection is respectfully traversed.

Claims 1, 23, 37 and 110 recite a set top terminal comprising a receiver that receives television program signals and digital audio signals from a television program delivery system in addition to a hardware upgrade for the set top terminal comprising audio processing circuitry comprising a tuner that tunes to a selected audio program in the received digital audio signals based on a subscriber audio program selection. Claim 104 recites a set top terminal comprising a receiver that receives television program signals and digital audio signals from a television program delivery system in addition to a hardware upgrade connected to the set top terminal comprising audio processing circuitry comprising a tuner that tunes to a selected digital audio signal. Claims 62, 80 and 118 recite a receiver or means for receiving audio/visual programs and audio programs from a television program delivery system in addition to audio processing circuitry or means for processing comprising a tuner or means for tuning that tunes to a selected audio program based on a subscriber audio program selection. Claim 45 recites a method for receiving audio programs at a set top terminal comprising the steps of receiving audio/visual programs and audio programs from a television program delivery system using a receiver in the set top terminal and tuning to one of the digital audio signals representing the audio programs

using a tuner based on one or more received subscriber selections. As discussed below, Graczyk and Dekker do not teach or suggest these limitations.

Graczyk discloses a computer system for generating video images in association with a personal computer. The system comprises a personal computer 24 that includes a chassis and a monitor 26. A television circuit 46 and an AM/FM tuner circuit 48 are associated with the personal computer and located within the chassis (col. 2, lines 10-16 and col. 5, line 54; Figure 1). However, Graczyk does not teach or suggest a set top terminal comprising a receiver that receives television program signals and digital audio signals from a television program delivery system in addition to a hardware upgrade for the set top terminal comprising audio processing circuitry comprising a tuner that tunes to a selected audio program in the received digital audio signals based on a subscriber audio program selection. Additionally, Graczyk does not teach or suggest a set top terminal comprising a receiver that receives television program signals and digital audio signals from a television program delivery system in addition to a hardware upgrade connected to the set top terminal comprising audio processing circuitry comprising a tuner that tunes to a selected digital audio signal. Further, Graczyk does not teach or suggest a receiver, or means for receiving, audio/visual programs and audio programs from a television program delivery system in addition to audio processing circuitry, or means for processing, comprising a tuner, or means for tuning, that tunes to a selected audio program based on a subscriber audio program selection. Further, Graczyk does not teach or suggest a method for receiving audio programs at a set top terminal comprising the steps of receiving audio/visual programs and audio programs from a television program delivery system using a receiver in the set top terminal and tuning to one of the digital audio signals representing the audio programs using a tuner based on one or more received subscriber selections.

Dekker does nothing to cure this defect. Dekker discloses a community antenna television arrangement for the reception and distribution of TV signals and digital audio signals (abstract). Dekker focuses on techniques for optimizing the transmission capacity of the television arrangement (col. 1, lines 63-68). However, Dekker does not teach or suggest the limitations discussed above with respect to Graczyk.

Since Graczyk and Dekker alone do not teach or suggest each and every element of the claims, a combination of Graczyk and Dekker also does not teach or suggest each and every element of the claims. To establish a *prima facie* case of obviousness ... the prior art reference

(or references when combined) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and MPEP § 2142. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and MPEP § 2143.03. Therefore, claims 1, 23, 37, 45, 62, 80, 104, 110, and 118, and their corresponding dependent claims, are allowable.

Moreover, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art (see MPEP 2143.01; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)). There is no explicit or implicit teaching, suggestion or motivation in the cited prior art, or from the knowledge generally available to one of ordinary skill in the art at the time of the invention, to combine the teachings of Graczyk and Dekker as indicated in the Office Action. Further, although rendered moot by the claim amendments, there is no teaching, suggestion or motivation to incorporate the feature of receiving audio signals within the television bandwidth into the system of Graczyk as asserted by the Examiner. This aspect of the rejection of independent claims 1, 23, 37, 45, 62, 80, 104, 110, and 118 under 35 U.S.C. §103(a) appears to be based on impermissible hindsight. Therefore, the rejection is improper and claims 1, 23, 37, 45, 62, 80, 104, 110, and 118, and their corresponding dependent claims, are allowable.

**B. Dependent Claims**

Claims 3-4, 8-11, 13-14, 16-19, and 22 depend from claim 1. Claims 24, 27-28, 31-33, and 98-102 depend from claim 23. Claims 38-43 depend from claim 37. Claims 47, 51-56, and 60 depend from claim 45. Claims 64, 68-71, 73-74, 78, and 137-138 depend from claim 62. Claims 82, 86-92, 96, and 141-142 depend from claim 80. Claims 105-108 depend from claim 104. Claims 111-114 and 116 depend from claim 110. Claims 120, 124-130, and 134 depend from claim 118. As discussed above, claims 1, 23, 37, 45, 62, 80, 104, 110, and 118 are allowable. For this reason and the additional features they recite, claims 3-4, 8-11, 13-14, 16-19, 22, 24, 27-28, 31-33, 38-43, 47, 51-56, 60, 64, 68-71, 73-74, 78, 82, 86-92, 96, 98-102, 105-108,

111-114, 116, 120, 124-130, 134, 137-138, and 141-142 are allowable. Claims 2, 46, 63, 81, and 119 have been cancelled and, therefore, the rejection of these claims is rendered moot.

Applicants respectfully traverse the Official Notices taken with respect to a number of the claimed features in the present application. For example, on page 3 of the Office Action, the Office Action takes Official Notice that HDTV signals are notoriously well known in the art. Applicants respectfully assert that HDTV signals were not well known in the art at the time of the invention. Applicants respectfully request, if the Examiner maintains any rejections in the Office Action, that references supporting the Official Notices be cited.

Withdrawal of the rejection of claims 1-4, 8-11, 13-14, 16-19, 22-24, 27-28, 31-33, 37-43, 45-47, 51-56, 60, 62-64, 68-71, 73-74, 78, 80-82, 86-92, 96, 98-102, 104-108, 110-114, 116, 118-120, 124-130, 134, 137-138, and 141-142 under 35 U.S.C. § 103(a) is respectfully requested.

**C. Other Rejections of Dependent Claims Under 35 U.S.C. § 103(a)**

On page 7 the Office Action rejects claims 5, 6, 48, 49, 65, 66, 83, 84, 121 and 122 under 35 U.S.C. § 103(a) as being unpatentable over Graczyk and Dekker in view of U.S. Patent 5,270,809 to Gammie et al. (hereafter Gammie). This rejection is respectfully traversed.

Claims 5-6 depend from claim 1. Claims 48-49 depend from claim 45. Claims 65-66 depend from claim 62. Claims 83-84 depend from claim 80. Claims 121-122 depend from claim 118. As discussed above, claims 1, 45, 62, 80 and 118 are allowable. Moreover, Gammie does not cure Graczyk and Dekker of the defect described above. For at least these reasons and the additional features they recite, claims 5, 6, 48, 49, 65, 66, 83, 84, 121 and 122 are allowable. Withdrawal of the rejection of claims 5, 6, 48, 49, 65, 66, 83, 84, 121 and 122 under 35 U.S.C. § 103(a) is respectfully requested.

On page 8 the Office Action rejects claims 7, 50, 67, 85 and 123 under 35 U.S.C. § 103(a) as being unpatentable over Graczyk and Dekker in view of U.S. Patent 5,550,863 to Yurt et al. (hereafter Yurt). This rejection is respectfully traversed.

Claim 7 depends from claim 1. Claim 50 depends from claim 45. Claim 67 depends from claim 62. Claim 85 depends from claim 80. Claim 123 depends from claim 118. As discussed above, claims 1, 45, 62, 80 and 118 are allowable. Moreover, Yurt does not cure Graczyk and Dekker of the defect described above. For at least these reasons and the additional

features they recite, claims 7, 50, 67, 85 and 123 are allowable. Withdrawal of the rejection of claims 7, 50, 67, 85 and 123 under 35 U.S.C. § 103(a) is respectfully requested.

On page 8 the Office Action rejects claims 12, 15, 26, 27, 57, 72, 75, 90, 93, 128, 131, 136, 139, 140 and 143 under 35 U.S.C. § 103(a) as being unpatentable over Graczyk and Dekker in view of U.S. Patent 5,410,326 to Goldstein (hereafter Goldstein). This rejection is respectfully traversed.

Claims 12 and 15 depend from claim 1. Claims 26 and 27 depend from claim 23. Claim 57 depends from claim 45. Claims 72, 75, 90, 93, 140 and 143 depend from claim 80. Claims 128 and 131 depend from claim 118. Claims 136 and 139 depend from claim 62. As discussed above, claims 1, 23, 45, 62, 80 and 118 are allowable. Moreover, Goldstein does not cure Graczyk and Dekker of the defect described above. For at least these reasons and the additional features they recite, claims 12, 15, 26, 27, 57, 72, 75, 90, 93, 128, 131, 136, 139, 140 and 143 are allowable. Withdrawal of the rejection of claims 12, 15, 26, 27, 57, 72, 75, 90, 93, 128, 131, 136, 139, 140 and 143 under 35 U.S.C. § 103(a) is respectfully requested.

On page 9 the Office Action rejects claims 20, 21, 30, 34, 42, 58, 76, 94, 115 and 132 under 35 U.S.C. § 103(a) as being unpatentable over Graczyk and Dekker in view of U.S. Patent 5,253,066 to Vogel (hereafter Vogel). This rejection is respectfully traversed.

Claims 20 and 21 depend from claim 1. Claims 30 and 34 depend from claim 23. Claim 42 depends from claim 37. Claim 58 depends from claim 45. Claim 76 depends from claim 62. Claim 94 depends from claim 80. Claim 115 depends from claim 110. Claim 132 depends from claim 118. As discussed above, claims 1, 23, 37, 45, 62, 80, 110 and 118 are allowable. Moreover, Vogel does not cure Graczyk and Dekker of the defect described above. For at least these reasons and the additional features they recite, claims 20, 21, 30, 34, 42, 58, 76, 94, 115 and 132 are allowable. Withdrawal of the rejection of claims 20, 21, 30, 34, 42, 58, 76, 94, 115 and 132 under 35 U.S.C. § 103(a) is respectfully requested.

On page 10 the Office Action rejects claims 36, 44, 61, 79, 97, 102, 109, 117 and 135 under 35 U.S.C. § 103(a) as being unpatentable over Graczyk and Dekker in view of U.S. Patent 5,327,554 to Palazzi et al. (hereafter Palazzi). This rejection is respectfully traversed.

Claim 102 depends from claim 23. Claim 79 depends from claim 62. Claim 97 depends from claim 80. Claim 109 depends from claim 104. Claim 135 depends from claim 118. As discussed above, claims 23, 62, 80, 104, and 118 are allowable. Moreover, Palazzi does not cure

Graczyk and Dekker of the defect described above. For at least these reasons and the additional features they recite, claims 79, 97, 102, 109, and 135 are allowable. Claims 36, 44, 61, and 117 have been cancelled and, therefore, the rejection of these claims is rendered moot.

Withdrawal of the rejection of claims 36, 44, 61, 79, 97, 102, 109, 117 and 135 under 35 U.S.C. § 103(a) is respectfully requested.

On page 10 the Office Action rejects claims 35, 59, 77, 95 and 133 under 35 U.S.C. § 103(a) as being unpatentable over Graczyk and Dekker in view of U.S. Patent 4,887,308 to Dutton (hereafter Dutton). This rejection is respectfully traversed.

Claim 35 depends from claim 23. Claim 59 depends from claim 45. Claim 77 depends from claim 62. Claim 95 depends from claim 80. Claim 133 depends from claim 118. As discussed above, claims 23, 45, 62, 80 and 118 are allowable. Moreover, Dutton does not cure Graczyk and Dekker of the defect described above. For at least these reasons and the additional features they recite, claims 35, 59, 77, 95 and 133 are allowable. Withdrawal of the rejection of claims 35, 59, 77, 95 and 133 under 35 U.S.C. § 103(a) is respectfully requested.

### **III. DISPOSITION OF CLAIMS 25, 29, 42, 90, 103 AND 128**

The Office Action fails to provide any reason for the rejection of claims 25, 29 and 103. Further, the Office Action asserts on page 2 that claims 42, 90 and 128 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Graczyk in view of Dekker. However, the Office Action fails to provide any explanation of how Graczyk and Dekker render claims 42, 90 and 128 obvious. Applicants respectfully request clarification from the Examiner regarding the disposition of claims 25, 29 and 103 and claims 42, 90 and 128.

### **IV. NEW CLAIMS 144-145**

None of the cited references teach or suggest a hardware upgrade for a set top terminal that is remotely located from the set top terminal comprising an interface to the set top terminal through which a subscriber selection and digital audio signals that represent audio programs are received from the set top terminal, wherein the digital audio signals are received from a television program delivery system, *wherein the television program delivery system is capable of simultaneously transmitting video signals that are unrelated to the digital audio signals.* Additionally, none of the cited references teach or suggest *audio processing circuitry that processes the digital audio signals, wherein the processing circuitry allows access to the digital*

*audio signals while the unrelated video signals are viewed on a television.* Therefore, new claims 144-145 are allowable over the cited prior art.

**V. SUMMARY**


For at least the reasons set forth above, applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Attached hereto is a marked-up version of the changes made to the specification and the claims by the current amendment. The attached pages are captioned "**Version with markings to show changes made.**"

Respectfully submitted,

Date: **December 10, 2002**

  
\_\_\_\_\_  
Sung T. Kim, Reg. No. 45,398  
**DORSEY & WHITNEY LLP**  
1660 International Drive  
Suite 400  
McLean, Virginia 22102  
Tel. (703) 288-5248  
Fax (703) 288-5260

Attachment: Version With Markings to Show Changes Made



**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Specification**

In the paragraph on page 73, beginning on line 14:

The Level D hardware upgrade makes use of a tuner [603]134 that is separate from the tuner 603 used by the set top terminal 220 for video display. The digital audio signal is received at the set top terminal 220 over the CATV transmission media. The set top terminal 220, in turn, routes the digital audio signal to the components of the Level D hardware upgrade. These components may include: a tuner [603]134, demodulator [606]134, demultiplexer [609]138, decryptor 140, decompressor [622]142, remote control interface and microprocessor [602]132.

In the paragraph on page 73, beginning on line 21:

The Level D hardware upgrade will use its tuner [603]134 to tune to the specific digital audio program selected by the subscriber and subsequently demodulate, demultiplex and decrypt the digital audio signal. Upon completion of this processing, the digital audio signal will be decompressed to produce a processed digital audio signal ready to be output to the subscriber's stereo or directly to speakers.

**In the Claims**

1. (Amended) A hardware upgrade for a set top terminal, the hardware upgrade comprising:
  - an interface to the set top terminal [whereby] through which a subscriber selection[s] and digital audio signals that represent audio programs [may be] are received from the set top terminal, wherein the set top terminal comprises a receiver that receives television program signals and the digital audio signals from a television program delivery system;
  - audio processing circuitry, connected to the interface, that processes the digital audio signals, wherein the audio processing circuitry comprises a tuner that tunes to a selected audio program in the received digital audio signals based on the received subscriber selection; and
  - an output, connected to the processing circuitry, that outputs a selected audio signal that represents the selected audio program based on the subscriber selection[s].
23. (Twice Amended) A set top terminal comprising:

a receiver adapted to receive television program[s] signals and [including] digital audio [programs] signals from a television program delivery system, wherein the digital audio signals represent audio programs;

a subscriber interface adapted to receive subscriber inputs including a subscriber audio program selection[s]; and

a first hardware upgrade[, connected to receive the subscriber selections and audio signals that represent the audio programs, the first hardware upgrade] comprising:

an interface to the set top terminal [whereby] through which the digital audio signals and the subscriber audio program selection[s] [may be] are received from the set top terminal;

audio processing circuitry, connected to the interface, that processes the digital audio signals, wherein the audio processing circuitry comprises a tuner that tunes to a selected audio program in the received digital audio signals based on the received subscriber audio program selection; and

an output, connected to the processing circuitry, that outputs a selected audio signal that represents the selected audio program based on the subscriber audio program selection[s].

37. (Amended) A system for delivery and reception of audio programs, the system comprising:

a television program delivery system adapted to deliver television program[s] signals and [including] digital audio [programs] signals, wherein the digital audio signals represent the audio programs; and

a set top terminal operably connected to the television program delivery system [adapted to receive the programs from the television program delivery system], the set top terminal comprising:

a receiver adapted to receive the television program[s] signals and [including] the digital audio [programs] signals from the television program delivery system;

a subscriber interface adapted to receive subscriber inputs including a subscriber audio program selection[s]; and

a hardware upgrade[, connected to receive the subscriber selections and audio signals that represent the audio programs, the hardware upgrade] comprising:

an interface to the set top terminal [whereby] through which the digital audio signals and the subscriber audio program selection[s] [may be] are received from the set top terminal;

audio processing circuitry, connected to the interface, that processes the digital audio signals, wherein the audio processing circuitry comprises a tuner that tunes to a selected audio program in the received digital audio signals based on the received subscriber audio program selection; and

an output, connected to the processing circuitry, that outputs a selected audio signal that represents the selected audio program based on the subscriber audio program selection[s].

45. (Amended) A method for receiving audio programs at a set top terminal capable of receiving audio/visual programs in addition to the audio programs, an audio/visual program being represented by an audio signal accompanied by a corresponding video signal, and an audio program being represented [an] by a digital audio signal only, the method comprising the steps of:

receiving [digital audio signals that represent the audio programs] audio/visual programs and audio programs from a television program delivery system using a receiver in the set top terminal;

receiving subscriber selections;

[selecting one] tuning to one of the digital audio signals representing the audio programs using a tuner based on one or more of the received subscriber selections;

processing the [selected] tuned digital audio signal; and

outputting the processed digital audio signal.

62. (Amended) An apparatus capable of receiving audio/visual programs and audio programs, an audio/visual program being represented by an audio signal accompanied by a corresponding video signal, and an audio program being represented [an] by a digital audio signal only, the apparatus comprising:

a receiver adapted to receive the audio/visual programs and the audio programs [including audio programs represented by digital audio signals,] from a television program delivery system;

a subscriber interface adapted to receive subscriber inputs including a subscriber audio program selection[s];

audio processing circuitry, connected to the receiver, that processes the digital audio signals representing the audio programs, wherein the audio processing circuitry comprises a tuner that tunes to a selected audio program based on the received subscriber audio program selection; and

an output, connected to the processing circuitry, that outputs a selected audio signal that represents the selected audio program based on the subscriber audio program selection[s].

80. (Amended) An apparatus capable of receiving audio/visual programs and audio programs, an audio/visual program being represented by an audio signal accompanied by a corresponding video signal, and an audio program being represented [an] by a digital audio signal only, the apparatus comprising:

means for receiving the audio/visual programs and the audio programs [including audio programs represented by digital audio signals,] from a television program delivery system;

means for receiving subscriber inputs including a subscriber audio program selection[s];

means, connected to the means for receiving the audio/visual programs and the audio programs, for processing the digital audio signals representing the audio programs, wherein the means for processing comprises means for tuning to a selected audio program based on the received subscriber audio program selection; and

means, connected to the means for processing, for outputting a selected audio signal that represents the selected audio program based on the subscriber audio program selection[s].

104. (Amended) A cable television set top terminal comprising:

a receiver that receives television program signals and digital audio signals from a television program delivery system;

a first hardware upgrade connected to the set top terminal, wherein the first hardware upgrade is capable of receiving the digital audio signals from the set top terminal, wherein the first hardware upgrade further comprises:

audio processing circuitry, wherein the audio processing circuitry comprises a tuner that tunes to a selected digital audio signal; and

one or more additional hardware upgrades connected to the set top terminal.

110. (Amended) A system for delivery and reception of audio programs, the system comprising:

a television program delivery system adapted to deliver television program[s] signals, including HDTV audio visual signals, and [including] digital audio [programs]signals, wherein the digital audio signals represent the audio programs; and

a set top terminal operably connected to the television program delivery system[adapted to receive the programs from the television program delivery system], the set top terminal comprising:

a receiver adapted to receive the television program[s] signals and [including ]the digital audio [programs]signals from the television program delivery system;

a subscriber interface adapted to receive subscriber inputs including a subscriber audio program selection[s]; and

a hardware upgrade[, connected to receive the subscriber selections and audio signals that represent the audio programs, the hardware upgrade] comprising:

an interface to the set top terminal [whereby]through which the digital audio signals and the subscriber audio program selection[s] [may be]are received from the set top terminal;

audio processing circuitry, connected to the interface, that processes the digital audio signals, wherein the audio processing circuitry comprises a tuner that tunes to a selected audio program in the received digital audio signals based on the received subscriber audio program selection; and

an output, connected to the processing circuitry, that outputs a selected audio signal that represents the selected audio program based on the subscriber audio program selection[s].

118. (Amended) An apparatus capable of receiving audio/visual programs, including HDTV programs, and audio programs, an audio/visual program being represented by an audio signal accompanied by a corresponding video signal, and an audio program being represented [an]by a digital audio signal only, the apparatus comprising:

a receiver adapted to receive the audio/visual programs and the audio programs [including audio programs represented by digital audio signals,]from a television program delivery system;

a subscriber interface adapted to receive subscriber inputs including a subscriber audio program selection[s];

audio processing circuitry, connected to the receiver, that processes the digital audio signals representing the audio programs, wherein the audio processing circuitry comprises a tuner that tunes to a selected audio program based on the received subscriber audio program selection; and

an output, connected to the processing circuitry, that outputs a selected audio signal that represents the selected audio program based on the subscriber audio program selection[s].

144. (New) --A hardware upgrade for a set top terminal, the hardware upgrade remotely located from the set top terminal, the hardware upgrade comprising:

an interface to the set top terminal through which a subscriber selection and digital audio signals that represent audio programs are received from the set top terminal, wherein the digital audio signals are received from a television program delivery system, wherein the television program delivery system is capable of simultaneously transmitting video signals that are unrelated to the digital audio signals;

audio processing circuitry, connected to the interface, that processes the digital audio signals, wherein the processing circuitry allows access to the digital audio signals while the unrelated video signals are viewed on a television; and

an output, connected to the processing circuitry, that outputs a selected audio signal based on the subscriber selection.--

145. (New) --The hardware upgrade of claim 144 further comprising a remote control unit, the remote control unit comprising inputs for entering the subscriber selection.--